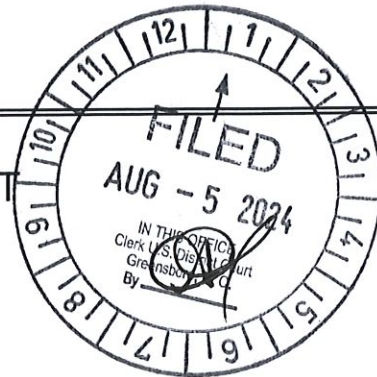


## UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

Greensboro Division



MORRIS KINGSBERRY

Case No.

1:24CV653  
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

City of Greensboro

Kyke C. Seuts

in his individual capacity

J.B. Ward, in his individual

Defendant(s)

capacity

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☐ Yes ☐ NoCOMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	MORRIS KINGSBERRY		
Address	1621 SUNRISE VALLEY DRIVE		
	GREENSBORO	NC	27405
	City	State	Zip Code
County	Guilford County		
Telephone Number	3365494546		
E-Mail Address	morriskingsberry42@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name	CITY OF GREENSBORO		
Job or Title (if known)			
Address	300 WEST WASHINGTON STREET		
	GREENSBORO	NC	27401
	City	State	Zip Code
County	GUILFORD COUNTY		
Telephone Number			
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

**Defendant No. 2**

Name	KYLE C. SZUTS		
Job or Title (if known)	POLICE OFFICER		
Address	300 WEST WASHINGTON STREET		
	GREENSBORO	NC	27401
	City	State	Zip Code
County	GUILFORD COUNTY		
Telephone Number			
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			





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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under Bivens, explain how each defendant acted under color of federal law. Attach additional pages if needed.  
see attached paper
- 

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?  
Morris Kingsberry's residence located at 1621 Sunrise Valley Drive Greensboro NC 27405
- 
- B. What date and approximate time did the events giving rise to your claim(s) occur?  
August 20 2022 2:00 am
- 
- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)  
see attached paper
-

#### IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.  
see attached paper

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#### V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.  
see attached paper

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## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

## A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08-02-2024

Signature of Plaintiff

Printed Name of Plaintiff

Morris Kinsberg

## B. For Attorneys

Date of signing: 08-02-2024

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

336-860-4717



## BASIC JURISDICTION, SECTION D

### 1. Police Officers Involved in the Arrest:

Color of State Law: Police officers are clearly state actors as they are employed by the city or county and perform their duties under the authority of the state.

Actions: The police officers involved in mistakenly identifying Morris Kingsberry as the suspect were acting within their official capacities when they conducted the arrest. Although mistaken, their actions were under the color of state law since they were performing an official police function.

Unlawful Arrest: If the police officers lacked probable cause or failed to verify the identity of the suspect adequately, their actions constituted an unlawful arrest. This failure violates the Fourth Amendment's protection against unreasonable searches and seizures.

Excessive Force: The use of excessive force during the arrest is also a violation of the Fourth Amendment. If the officers used more force than was necessary to effect the arrest, this constitutes a breach of Morris Kingsberry's constitutional rights.

Unlawful Detention: Holding Kingsberry without proper legal justification after the mistaken arrest would further violate his rights, particularly if he was not promptly released after the mistake was discovered.

### 2. Supervising Officers or Commanding Officials:

Color of State Law: Supervising officers, such as a police sergeant or lieutenant, act under the color of state law in their supervisory and policy-making roles.

Actions: If these officials were involved in authorizing, directing, or failing to correct the actions that led to Kingsberry's mistaken identification, arrest, or detention, they could be liable under Section 1983.

Liability: Supervising officers can be held liable if they knew or should have known about the unconstitutional actions of their subordinates and failed to take appropriate corrective measures.

### 3. Municipality or Police Department:

Color of State Law: A municipality or police department can be considered a state actor when its policies, customs, or practices lead to constitutional violations.

Actions: If the wrongful arrest, use of excessive force, or unlawful detention of Morris Kingsberry resulted from official policy or a widespread practice, the municipality itself could be held liable under Section 1983.

Liability: *Monell v. Department of Social Services* establishes that a municipality can be liable if a constitutional violation results from a governmental policy or custom.

### 4. Other Potential State Actors:

Color of State Law: Any other individuals or entities involved in the arrest, detention, or use of force, such as civilian dispatchers or state-employed forensic analysts, act under the color of state law when performing their official duties.

Actions: Their contributions to the wrongful arrest and detention of Morris Kingsberry would also need to be scrutinized to determine if they violated his constitutional rights.

#### STATEMENT OF CLAIM SECTION C

I was sitting in my car outside my residence getting fresh air when I saw two officers approaching my residence. I stepped out of the car and approached the officers, asking if everything was okay. An officer responded that they were looking for me, referring to me as "the black guy," and proceeded to grab me. Afraid and confused, I stepped back. The officers then grabbed me and forced me to the ground. While I was on the ground, they tased me. I screamed from pain and fear.

My screams alerted my girlfriend, Teresa Hall, and her two grandchildren, K.T.H. and D.D.H. (minors), who then witnessed the middle of the incident.

After the incident, an ambulance was called to my residence to check me out due to the numerous taser wires in my body. I was then arrested and transported to Greensboro Guilford County Jail.

The officers involved:

Approached my residence

Stated they were looking for me

Attempted to grab me

Forced me to the ground

Tased me while I was on the ground

Called for medical assistance after tasing me

Arrested me and transported me to jail

Other individuals involved:

My girlfriend, Teresa Hall, and her two grandchildren, K.T.H. and D.D.H. (minors), witnessed the middle of the incident, alerted by my screams

Emergency medical personnel responded to assess my condition after the tasing

Witnesses to the incident:

Teresa Hall, my girlfriend (witnessed the middle of the incident)

K.T.H. and D.D.H., Teresa's grandchildren (minors, witnessed the middle of the incident)

Emergency medical personnel (witnessed the aftermath)

Possibly neighbors or passersby, as the incident occurred outside my residence



Additional relevant facts:

The tasing was severe enough to require medical attention, with many taser wires in my body

I later learned that the actual suspects the officers were looking for was someone down the street who had allegedly assaulted his wife

The dispatch was meant for another house down the street, indicating a dispatch error led to this incident

## INJURIES

I sustained multiple injuries related to the events alleged above. These injuries included:

**Bruises and Cuts to the Shoulder:** I experienced significant bruising and several cuts on my shoulder. The bruises were painful, and the cuts required immediate cleaning and dressing to prevent infection.

**Bruises and Cuts to the Lower Stomach:** My lower stomach area suffered from bruising and superficial cuts. The bruises were tender and caused discomfort, while the cuts needed to be cleaned and dressed properly.

**Bruises and Cuts to the Face:** I had noticeable bruising and cuts on my face, which were not only painful but also caused considerable distress and inconvenience in my daily activities.

**Injuries from Taser:** Due to the tasing incident, I had numerous taser wires in my body, which required immediate medical attention. An ambulance was called to my residence to check me out and remove the taser wires.

For medical treatment:

**Emergency Medical Response:** An ambulance was called to my residence after the incident to assess my condition and remove the taser wires from my body.

**Hospital Visit:** Later that day, I went to the hospital for further evaluation. The hospital recommended an injection, which I did not agree to receive.

**Self-Administered Care:** After declining the injection at the hospital, I took necessary steps to care for my injuries myself:

**Cleaning and Dressing of Cuts:** I personally cleaned and dressed the cuts on my shoulder, lower stomach, and face to prevent infection and promote healing.

**Pain Management:** I managed the pain from the bruises using over-the-counter pain medication and home remedies.

**Self-Monitoring:** I monitored the healing of my injuries myself, ensuring there were no signs of infection or complications.

Despite the self-administered treatment, the injuries caused considerable pain and affected my ability to perform daily activities. The combination of physical injuries and the traumatic nature of the incident resulted in significant distress and discomfort.

## RELIEF

### FIRST CLAIM FOR RELIEF:

DEFENDANTS, ACTING UNDER THE COLOR OF STATE LAW, SUBJECTED PLAINTIFF TO AN UNLAWFUL STOP, IN VIOLATION OF PLAINTIFF'S FOURTH AMENDMENT RIGHTS UNDER THE UNITED STATES CONSTITUTION, AS INCORPORATED BY THE FOURTEENTH AMENDMENT

### SECOND CLAIM FOR RELIEF:

DEFENDANTS, ACTING UNDER THE COLOR OF STATE LAW, SUBJECTED PLAINTIFF TO EXCESSIVE FORCE, IN VIOLATION OF PLAINTIFF'S FOURTH AMENDMENT RIGHTS UNDER THE UNITED STATES CONSTITUTION, AS INCORPORATED BY THE FOURTEENTH AMENDMENT

### THIRD CLAIM FOR RELIEF:

DEFENDANTS, ACTING UNDER THE COLOR OF STATE LAW, SUBJECTED PLAINTIFF TO AN UNLAWFUL ARREST, IN VIOLATION OF PLAINTIFF'S FOURTH AMENDMENT RIGHTS UNDER THE UNITED STATES CONSTITUTION, AS INCORPORATED BY THE FOURTEENTH AMENDMENT

### FOURTH CLAIM FOR RELIEF:

DEFENDANT OFFICERS ARE LIABLE TO PLAINTIFF FOR BATTERY

### FIFTH CLAIM FOR RELIEF

DEFENDANTS ARE LIABLE TO PLAINTIFF FOR INTENTIONAL INFLICTION THEIR INDIVIDUAL CAPACITIES

### SEVENTH CLAIM FOR RELIEF:

DEFENDANTS HAVE CAUSED PLAINTIFF IRREPARABLE HARM, WHICH WARRANTS INJUNCTIVE RELIEF

That Plaintiff recover from Defendants judgment for compensatory damages in excess of \$500,000.00.

2. That Defendants be held jointly and severally liable for all compensatory damages.

3. That Plaintiff recover from Defendant Officers, in their individual capacity, punitive damages of more than \$500,000.00.
4. That Defendant Officers be held jointly and severally liable for punitive damages.
5. That Plaintiff recover pre-judgment and post-judgment interest on all damages awarded.
6. That Plaintiff recover the costs of this litigation, including, statutory attorney fees.
7. That all issues of fact be tried by a jury; and
8. Such other and further relief as the Court shall deem just and proper